

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                             |   |                            |
|-----------------------------|---|----------------------------|
| DYLAN JAMES DOWNEY,         | ) | CASE NO.: C08-0490-RAJ     |
|                             | ) |                            |
| Petitioner,                 | ) |                            |
|                             | ) |                            |
| v.                          | ) | ORDER DISMISSING § 2254    |
|                             | ) | PETITION WITHOUT PREJUDICE |
| WASHINGTON STATE DEPARTMENT | ) |                            |
| OF CORRECTIONS,             | ) |                            |
|                             | ) |                            |
| Respondent.                 | ) |                            |
| _____                       | ) |                            |

The Court, having reviewed the petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's petition for writ of habeas corpus, and this action, are DISMISSED without prejudice;
- (3) Petitioner's application to proceed *in forma pauperis* is DENIED as moot; and

///

///

01 (4) The Clerk is directed to send copies of this Order to petitioner and to Judge  
02 Theiler.

03 DATED this 15<sup>th</sup> day of May, 2008.

04   
05 \_\_\_\_\_

06 The Honorable Richard A. Jones  
07 United States District Judge  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22